THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 23492 of 2006

Dated: 13-11-2006

Between:

E.Nandappa

..... PETITIONER

AND

The Prohibition and Excise Superintendent,
Ananthapur and another

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 23492 of 2006

O R D E R:

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for the respondents.

The petitioner herein, who claims to be the president of Raketla Toddy Co-operative Society, Ananthapur District, filed this writ petition seeking a declaration that the action of the first respondent in not sending the second sample of toddy drawn on 05-05-2006 for chemical test to independent laboratory is arbitrary and illegal.

The material on record shows that on an allegation that the samples drawn from the shop of the society on 05-05-2006, on analysis, were found adulterated with Chloral Hydrate, the first respondent by order dated 20-10-2006 suspended the shop licence of the petitioner-society with immediate effect. That apart the petitioner-society was called upon to show cause as to why the licence should not be cancelled. Immediately thereafter, on 24-10-2006, the petitioner made a representation to the first respondent denying the alleged adulteration and pointing out that the report of the chemical analysis was not even furnished to him. A request has also been made to send the second sample for analysis to independent laboratory. For the said purpose, the petitioner has also remitted a sum of Rs.500/- by way of demand draft. The grievance of the petitioner is that the respondents failed to consider his request and no orders have been passed so far.

Though the inspection took place long back in the month of May,

2006, the learned counsel for the petitioner, while placing reliance upon a decision of this Court in W.P.No.8589 of 1987, vehemently contended that the samples are fit for analysis even after lapse of long time.

Since the representation of the petitioner is still pending, I am not inclined to express any opinion as to the entitlement of the petitioner to send the second sample of toddy drawn on 05-05-2006 for chemical test to independent laboratory. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the representation of the petitioner dated 24-10-2006, which was received by the first respondent on 26-10-2006 and to pass appropriate orders in accordance with law with in a period of one week from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J

Dated: 13-11-2006

Note: Issue C.C. in three days

B/o

KLP